

HOUSE No. 968

By Mr. Broadhurst of Methuen, petition of Arthur J. Broadhurst relative to appeals of summary process in certain court actions. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO APPEALS IN ACTIONS OF SUMMARY PROCESS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 5 of chapter 239 of the General Laws, as appearing in
2 the 2002 Official Edition, is hereby amended by striking out the
3 first two paragraphs and inserting in place thereof the following
4 two paragraphs:—

5 Section 5. If either party appeals from a judgment of the supe-
6 rior court, a housing court, or a district court in an action under
7 this chapter, including a judgment on a counterclaim, such party
8 shall file a notice of appeal with said court within five days after
9 the entry of said judgment. No execution upon a judgment ren-
10 dered pursuant to section three shall issue until the expiration of
11 five days after the entry of said judgment.

12 In an appeal of a judgment of a district court, other than an
13 appeal governed by the provisions of the next paragraph, the
14 appellant shall, before any appeal under this section is allowed,
15 file in the district court a bond payable to the appellee in the penal
16 sum of five hundred dollars, with such surety or sureties as proved
17 by the court, or secured by cash or its equivalent deposited with
18 the clerk, conditioned to satisfy any judgment for costs which may
19 be entered against such appellant in the superior court within
20 thirty days after the entry thereof.